

**AMENDMENTS TO THE CLAIMS:**

1. (Currently Amended) A providing service control device comprising:
  - a module obtaining performance information indicating a state of a traffic congestion from a monitored target network;
  - a module storing information of a service level agreement for a user, including service levels substitutionally providable for the user, the service levels providable corresponding to the state of the traffic congestion; and
  - a control module determining the substitutionally providable service for every user on the basis of the obtained performance information and the service level agreement, and having the corresponding service provided to a client terminal used by the user; and  
wherein said control module controls a server within a provider network, and has the corresponding service provided to said client terminal used by the user;  
said control module further changes a data size of data transmitted by said server to said client terminal as the corresponding service; and  
the changed data to be transmitted by said server to said client terminal is different-data-size content data registered previously in said server by a content provider.

2. (Previously Presented) A providing service control device according to claim 1, wherein said monitored target network is an IP network including the Internet and a provider network, and  
said providing service control device is disposed in said provider network.

3 - 6. (Cancelled)

7. (Original) A providing service control device according to claim 1, further comprising a module notifying said client terminal of the obtained performance information.

8. (Previously Presented) A providing service control device according to claim 7, further comprising a module receiving a service level change request that responds to the performance information of which said client terminal has been notified.

9. (Currently Amended) A network system comprising:

(A) a providing service control device comprising:

(a) a module obtaining performance information indicating a state of a traffic congestion from a monitored target network;

(b) a module storing information of a service level agreement for a user, including service levels substitutionally providable for the user, the service levels providable corresponding to the state of the traffic congestion; and

(c) a control module determining the substitutionally providable service for every user on the basis of the obtained performance information and the service level agreement, and having the corresponding service provided to a client terminal used by the user; and

(B)said client terminal comprising:

(d) a module independently obtaining performance information indicating a state of a traffic congestion from said monitored target network; and

(e) a module executing a service level change request on the basis of the independently obtained performance information; and

wherein said control module controls a server within a provider network, and has the corresponding service provided to said client terminal used by the user;

said control module further changes a data size of data transmitted by said server to said client terminal as the corresponding service; and

the changed data to be transmitted by said server to said client terminal is different-data-size content data registered previously in said server by a content provider.

10. (Original) A network system according to claim 9, wherein said providing service control device further comprises a module notifying said client terminal of the obtained performance information, and

    said client terminal further comprises a module receiving the performance information of which said providing service control device has notified.

11.(Previously Presented): A network system according to claim 10, wherein said providing service control device further comprises a module receiving the service level change request that responds to the performance information of which said client terminal has been notified, and

    said client terminal further comprises a module executing the service level change request based on the performance information of which said providing service control device has notified.

12. (Original) A network system according to claim 11, wherein said client terminal further comprises a module controlling said client terminal itself on the basis of any one of the

independently obtained performance information and the performance information of which said providing service control device has notified.

13.(Previously Presented): A network system according to claim 9, wherein said monitored target network is an IP network including the Internet and a provider network, and said providing service control device is disposed in said provider network.

14-17. (Cancelled)

18. (Currently Amended) A providing service control method comprising:  
obtaining performance information indicating a state of a traffic congestion from a monitored target network;  
storing information of a service level agreement for a user, including service levels substitutionally provable for the user, the service levels provable corresponding to the state of the traffic congestion; and  
determining the substitutionally provable service for every user on the basis of the obtained performance information and the service level agreement, and having the corresponding service provided to a client terminal used by the user; and  
controlling a server within a provider network, and having the corresponding service provided to said client terminal used by the user; and  
changing a data size of data transmitted by said server to said client terminal as the corresponding service;

controlling a server within a provider network, and having the corresponding service provided to said client terminal used by the user; and

changing a data size of data transmitted by said server to said client terminal as the corresponding service;

wherein the changed data to be transmitted by said server to said client terminal is different-data-size content data registered previously in said server by a content provider.

therefore allowable for at least the same reasons as claims 1, 9, and 18 are allowable.